Confirmation No.: 1424
Due Date: July 21, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Inventor: Simon A. Jones et al.	)	Examiner: Michelle K. Lay
	)	
Serial #: 10/657,441	)	Group Art Unit: 2628
	)	
Filed: September 8, 2003	)	Appeal No.: _____
	)	
Title: OBJECT PROPERTY DATA	)	
REFERENCING LOCATION PROPERTY	)	

BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated October 16, 2006, and the Final Rejection dated February 21, 2007.

Please charge the amount of $500 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §41.37(a)(2) and 37 CFR §41.20(b)(2) to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-21 are pending in the current application.

Claims 7-12 and 20 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-6 and 19 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 13-18 and 21 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 7-12 and 20 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention.

Claims 5, 11, and 17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Claims 1-3, 7-9, 13-15, and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,444,836 to Hollingsworth.

Claims 4, 10, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hollingsworth in view of U.S. Patent No. 6,049,340 to Matsushita et al.

The rejection of claims 1-21 are appealed herein.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 7, and 13 are generally directed to determining/specifying a location for an object within a drawing (see paragraph [0021] - page 7, lines 9-10). Specifically, a drawing (in a drawing program) is obtained (see paragraph [0042]- page 13, lines 7-9; FIG. 5, step 500).

The drawing has two or more existing object that each comprise a collection of graphical elements (see paragraph [0042] - page 13, lines 9-10; paragraph [0004] - page 2, lines 19-22; FIG. 5, step 502).

One of the existing objects in the drawing is identified and an automatic location property is defined for the identified object (see FIG. 5, step 504; paragraphs [0034]-[0035] - page 10, lines 15-page 11, line 9; FIG. 4; paragraph [0043] - page 13, lines 11-15).

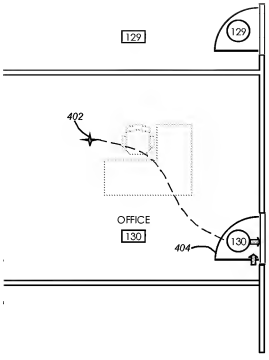
The claims explicitly provide and define the automatic location property. First, the automatic location property is defined without moving the identified already existing object (see paragraphs [0035]-[0041] - page 10, line 21-page 13, line 3; FIG. 4 and 5). Secondly, the automatic location property provides a location, within the drawing, for the identified object with respect to another object, area, or space (see paragraph [0035], page 10, line 21-22; FIG. 4).

Additionally, a value for a property of the identified object is obtained from property data of the other object, area, or space where and based on the location of the identified object (see paragraph [0035] - page 10, lines 21 - page 11, line 9; FIG. 4). Accordingly, a location property for an object provides a location for the object wherein the location value is based on data from another object, area, or space that the object is associated with (FIG. 4).

In addition, Appellants note that the "location" is not the actual physical location of the object or how to place the object (via a set of rules). Instead, the claimed "location" is a specific identified location for the object that is defined without moving or placing the object (see paragraphs [0035]-[0041] - page 10, line 21-page 13, line 3; FIG. 4 and 5). In other words, as used in dependent claims 5, 11, and 18, the "location" may be established merely by moving the location grip which does not move the object itself (see dependent claim 6). Instead, the "location" of the object is merely identified as on or within another object, area, or space.

Appellants direct the attention of the Patent Office to FIG. 4:

FIG. 4



In FIG. 4, the object is identified as object 404. However, the location of the object is at location grip 402. Thus, the "location" of door object 404 is not set when the door is placed in the drawing, but after the door has been placed in the drawing (i.e., an existing drawing is obtained). Further, the claims explicitly provide that the location 402 is defined without moving the door object 404 itself.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6 and 19 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 7-12 and 20 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 13-18 and 21 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 7-12 and 20 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention.

Claims 5, 11, and 17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Claims 6, 12, and 18 have not been addressed with respect to Prior Art.

Claims 1-3, 7-9, 13-15, and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,444,836 to Hollingsworth.

Claims 4, 10, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hollingsworth in view of U.S. Patent No. 6,049,340 to Matsushita et al.

All of the above rejections are being appealed herein.

VII. ARGUMENT

A. Claims 1-6 and 19 are Patentable under 35 U.S.C. §101 and are directed to statutory subject matter.

In response to the prior Office Action, Appellants submitted arguments to overcome the 101 rejection. On page 2 of the final Office Action (in the Response to Arguments section), the Examiner states:

> The amendment to claim 1 has overcome the 35 USC §101 rejection made in the Non-Final office action filed 10/16/2006.

However, on page 4 of the final Office Action, the Examiner states:

> Claims 1-6, and 19 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Although claim 1 does claim an invention within one of the statutory classes, the limitations of the claim are directed to an abstract idea, i.e., it is in reality seeking patent protection of the "computer drawing program", therefore claiming an invention that falls/covers/includes a judicial exception. Please see rationale regarding claims 7-12, and 20.

In view of the above, Appellants submit that is unclear as to whether these claims remain rejected or not. Accordingly, the Action is clearly in error. Appellants assume that the "Response to Arguments" section is correct and that the rejection on page 4 was left in the rejection section by

accident from a prior Office Action.

Nonetheless, to assure that all of the arguments are set forth, Appellants reassert the prior arguments as set forth below.

In response to the prior rejection, Appellants amended claim 1 provide for a displaying step. Accordingly, Appellants submit that the claims currently describe statutory subject matter. In addition, Appellants note that the claim is clearly and expressly directed towards a method. In the prior response, Appellants respectfully requested that if the Examiner maintained the rejection, the Examiner indicate how the rejection could be overcome and how problems may be resolved, in accordance with the directives of the Examination Guidelines for Computer-Related Inventions. See Guidelines II M.P.E.P. § 2106. Specifically, should it be necessary, the Appellants requested that the Examiner identify features of the invention that would render the claimed subject matter statutory if recited in the claim. See Guidelines IV, M.P.E.P. § 2106. However, to date, the Examiner has neglected to comply with such requirements as set forth in the MPEP. Accordingly, Appellants submit that the claims are statutory and no further amendments are necessary. Again, claim 1 is directed towards a method – clearly within one of the statutory classes. The method clearly provides for a tangible result in that a representation is displayed. Such a claim is not within any of the judicial exceptions. In addition, the Examiner has failed to recite any section on the MPEP or the interim guidelines in support of the position asserted.

In view of the above, Appellants respectfully request reversal of the 101 based rejection.

B. Claims 7-12 and 20 Are Patenable under 35 U.S.C. §101 and are directed to Statutory Subject Matter.

In response to the prior rejection, Appellants amended independent claim 7 to provide that the application executing in the apparatus is configured to display a representation of the automatic location property. Accordingly, Appellants submit that the claims currently describe statutory subject matter. In addition, Appellants note that the claim is clearly and expressly directed towards an apparatus. In the prior response, Appellants respectfully requested that if the Examiner maintained the rejection, the Examiner indicate how the rejection could be overcome and how problems may be

resolved, in accordance with the directives of the Examination Guidelines for Computer-Related Inventions. See Guidelines II M.P.E.P. § 2106. Specifically, should it be necessary, the Appellants requested that the Examiner identify features of the invention that would render the claimed subject matter statutory if recited in the claim. See Guidelines IV, M.P.E.P. § 2106. However, to date, the Examiner has neglected to comply with such requirements as set forth in the MPEP. Accordingly, Appellants submit that the claims are statutory and no further amendments are necessary.

In response to the above previously submitted arguments, the final Office Action provides:

> Although claim 7's preamble states an apparatus (it does claim an invention within one of the statutory classes), the limitations of the claim are directed to an abstract idea, i.e., it is in reality seeking patent protection of the "computer drawing program", therefore claiming an invention that falls/covers/includes a judicial exception. Ergo, there is no practice application by physical transform, i.e., the program. The claim is in fact reciting limitations of the instructions/program and not limitations of the apparatus to produce a result.

Appellants respectfully disagree with and traverse the above assertions. The Examiner is making assertions without any legal foundation or support and in direct contradiction to the claims. The claims clearly and expressly recite an apparatus (see preamble). The apparatus comprises (1) a computer and (2) an application executing on the computer. The claim then recites various steps that the application is configured to perform. Such claim elements clearly place the claim into a statutory class. In the outstanding rejection, the Examiner is essentially ignoring the claim limitations directed towards the computer and the application executing on the computer and merely reciting the method steps as being non statutory. Not only are the method steps statutory (the transform into a physical result by claiming "display a representation of the automatic location property") but the apparatus is clearly within a statutory category and does not fall within a judicial exception.

The primary rejection on page 4 provides that the claimed invention covers an abstract idea and submits that steps (i), (ii), (iii), and (iv) are merely considered as functional descriptive material. Appellants respectfully traverse such an assertion as being merely conclusory. In this regard, all of

the steps are performed on an application that is executing on a computer (clearly statutory). In addition, step (iv) provides for a physical transformation that results in displaying the claimed representation. Again, the final Office Action lacks any legal foundation and is asserting an end result without properly examining the claims. Accordingly, the Office Action is in clear error.

In view of the above, Appellants respectfully request reversal of the rejections.

C. Claims 13-18 and 21 Are Patentable under 35 U.S.C. §101 and are directed to Statutory Subject Matter.

The final Office Action rejects these claims based on 35 U.S.C. §101. Appellants note that nowhere in any of the prior actions were these claims rejected under §101. Accordingly, the finality of the final Office Action was clearly in error. Nonetheless, in the interest of expediting prosecution, Appellants are addressing these rejections herein.

The rejection provides that the specification indicates that the graphics program comprises logic and/or data embodied in or readable from a…carrier or signal…" The action continues and asserts that such language in the specification implicates that the claimed "program storage medium readable by a computer" is a media, carrier or signal and hence is nonstatutory. The action asserts that claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena.

Appellants respectfully disagree with and traverse the above assertions. The claim recites "an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method…" Thus, contrary to that asserted by the Examiner, the claim recites a program storage readable by a computer and not logic and/or data that is readable from a carrier or signal. In view of the above, Appellants submit that the Examiner's conclusion that the claimed program storage medium readable by a computer is equivalent to a carrier or signal is wholly without merit. There is no logical connection or nexus that can be established in this regard.

In addition to the above, the claims clearly recite specific steps and elements that are more than physical characteristics of a form of energy.

Further, even assuming that the claims are directed towards a carrier or signal, Appellants submit that nowhere in any of the existing case law is there any assertion, express or implied, that a carrier or signal is non-statutory. The claims to not claim a frequency, voltage, or strength of a magnetic field. A carrier wave does not fall within such a category and thus, the final Office Action is clearly in error.

In view of the above, Appellants respectfully request reversal of the rejections.

D. Claims 7-12 and 20 Are Patentable under 35 U.S.C. §112, second paragraph and are Definite and Particularly Point Out and Distinctly Claim the Subject Matter Which Appellant Regards as the Invention.

The rejection states that it is unclear if the claims are claiming a method or a system since the preamble states an apparatus, however the limitations recite a method. The rejection then refers Appellants to the reasoning of the §101 rejection.

Appellants respectfully disagree with and traverse the above assertions. As stated above, claim 7 expressly recites an "apparatus" in the preamble. Further, contrary to that asserted by the Examiner, the limitations expressly recite more than method steps. In this regard, element (a) recites "a computer having a memory". Further, element (b) expressly recites an application executing on the computer. Subelements of element (b) then provide for steps that the application is configured to perform. Such a sequence of claim elements is very clear, definite, and particularly points out the subject matter that Appellants regard as the invention.

In addition to the above, Appellants submit that there is no legal foundation or support for the positions being asserted by the Examiner. Accordingly, Appellants respectfully request reversal of the rejections.

E. Claims 1-3, 7-9, 13-15, and 19-21 Are Patentable under 35 U.S.C. §103(a) over U.S.

Patent No. 5,444,836 to Hollingsworth.

1. *Independent Claims 1, 7, and 13*

The independent claims were rejected as follows:

> In regards to claims **1, 7, 13, 19-21 –**
> Hollingsworth et al. Discloses an apparatus and method for creating and applying flexible, user defined rules for placement of graphical objects in a computer aided drafting (CAD) application. The placement subsystem (100) and its relationship to other subsystems are shown in Fig. 1. Placement subsystem (100) communicates with database subsystem (102) over bidirectional communication link (110) to retrieve information and attributes associated with graphical objects to be placed on a graphical image. Database subsystem (102) may represent any database means capable of storing and retrieving information (claim **13, 21**: storage medium readable by computer). Placement subsystem (100) manipulates the information retrieved from database subsystem (102) by applying user-defined rules to determine the proper placement of the graphical objects on the graphical image (claims **1.c.i-ii, 7.b.iii.1-2., 13.c.i-ii., 19-21**) [col. 4, lines 64-66]. Thus, the rules of Hollingsworth provides where the object should be placed without having to physically move the object to the location. Placement subsystem (100) then communicates with drawing subsystem (104) over communication link (112) to instruct drawing subsystem (104) where to draw each graphical object on the graphical image [col. 4 lines 66-658]. Drawing subsystem (104) transforms information to graphical output device (106) over communication link (114) to create the desired graphical image (claims **1.a., 7.b.i., 13.a., 19-21**). The resulting graphical image constructed by graphical output device (106) shows the graphical objects placed on the graphical image according to the user defined rules manipulated by placement subsystem (100) [col. 5, lines 1-8]. As shown in Fig. 2, these subsystems (100) (102) (104) may coexist on a common computer system (210) (claims **7, 20**: a computer having memory) [col. 5, line 14]. The rule-processing component (200) represents the rule application (claim **7.b.**) means for automatically reading and applying the placement rules defines by the user of the rule definition means [col. 5, lines 58-61]. Graphical objects may be lines, symbols, geometric shapes, text, or other constructs which are to be placed on the graphical image (claims **1.b., 7.b.ii., 13.b.**) [col. 1, lines 24-26].

Appellants respectfully traverse and disagree with the above rejections.

(1) Hollingsworth, Matsushita, and Felser do not teach, disclose or suggest defining a location property, without moving an object, wherein the object is part of a drawing that has been obtained;

(2) Hollingsworth, Matsushita, and Felser do not teach, disclose or suggest a location property that provides a location within a drawing for an object with respect to another object, area, or space; and

(3) Hollingsworth fails to teach, disclose or suggest a value for a property of one or more objects from another object area or space that is based on the location of the object (i.e., as specified in the automatic location property).

Appellants submit that there is a clear differentiation between the term "location" as used in the claims and the specification versus that used in Hollingsworth as cited in the Office Action.

Such a difference is clearly set forth in the claims. Namely, the "location" is not the actual physical location of the object or how to place the object (via a set of rules) as in Hollingsworth. Instead, the "location" is a specified identified location for the object that is defined without moving or placing the object. The "location" of the object is merely identified as on or within another object, area, or space.

As described above, the current claim language and limitations are clearly distinguishable from that of Hollingsworth wherein the Patent Office has equated the location property with the actual location and placement of the object itself. The Office Action submits that the placement rules establish the other objects and the values of the property of the identified object with respect to another object, area, or space. However, the present claims cannot and do not read on Hollingsworth. Firstly, a drawing having existing objects is obtained. In other words, objects are not being placed into the drawing. In addition, one of the existing objects is identified and an automatic location property for the identified existing object is defined without moving the object. Such a defining of a "location" without moving the object itself and for an object that already exists in a drawing clearly differentiates the present invention from Hollingsworth.

Again the present invention is not directed towards placing an object in a drawing or placement rules. Instead, the location property reflects an entirely different concept from that of placement rules. In this regard, Appellant is entitled to be its own lexicographer and the specification must be relied upon to determine the definition of a particular term. The Office Action is attempting to equate the claimed term "location" with a location as used in Hollingsworth that is wholly inconsistent with the defined use in the present specification and as set forth in the claims. Accordingly, Appellants submit that the interpretation of the claims and Hollingsworth is improper.

In addition to the above, the claim attributes provide the unique ability to define the location of the object within a drawing based on other/nearby objects, areas, or spaces. The dependent claims set forth further details regarding the location. Further, the dependent claims provide additional limitations that reflect the location based attributes of the location property. For example, dependent claims 19-21 provide for automatically retrieving data for the one or more objects from the other object, area, or space where the one or more objects are located. In other words, when the

location property provides that the one or more objects reside with or are associated with a particular object, area, or space, data for the one or more objects are automatically retrieved from the particular object, area, or space it is associated with (i.e., where it is located).

In response to the above arguments, the final Office Action essentially repeated the prior rejections. Appellants respectfully traverse such rejections.

The Office Action is attempting to utilize and read aspects of Hollingsworth beyond the actual description of Hollingsworth. Specifically, there is not even a remote possibility that a location for an object that is already in a drawing is defined without moving the object itself. Such a claim limitation does not describe nor allude to the placement of the object in the drawing because the object is already in the drawing. Thus, Hollingsworth clearly fails to establish a prima facie case of obviousness.

Under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." The Office Action has simply ignored the limitation "a value of a property of the identified object is obtained from property data of the other object, area, or space based on the location of the identified object". Instead, the Action completely fails to address this claim element. In attempting to reject this element, the prior Office Action merely states that Hollingsworth placement subsystem (100) manipulates information retrieved from a database subsystem (102) by applying user-defined rules to determine the proper placement of the graphical objects on the graphical image. Again, the placement of an object is expressly excluded from the claims since the object is already in the drawing. Further, the value of the property being obtained from another object is not hinted at or described in the Office Action or Hollingsworth.

In the Response to Arguments section, a prior Office Action provides:

> Applicant argues the "location" as set forth in the pending claims differs from the "location used in the prior art rejections (Hollingsworth, Matsushita, Felser). Examiner respectfully disagrees. The difference of Applicant's "location" versus the prior art is not defined or brought out and thus does not distinguish over the prior art. Furthermore, Applicants states on page 7 of the Remarks, "Namely, the 'location' is not the actual physical location of the object or how to place the object…Instead, the 'location', is an actual specified identified location for the object that is defined without moving or placing the object." The "actual specified identified location" is the "physical

> location". The rules of Hollingsworth provides where the object should be placed without having to physically move the object to the location.

Appellants respectfully traverse such assertions. Firstly, the claim language is clearly defined. Again, the claims first explicitly provide for obtaining a drawing that has numerous objects. Thereafter, without moving the object in the drawing, an automatic location property for is defined for the object. Such an automatic location property not only provides a location for the object with respect to another object, area, or space, but a value of the property of the object is obtained from property data of the other object, area, or space based on the location of the location. These claim limitations clearly bring out the differences with placing an object. Firstly, if an object is being placed into a drawing, it is being moved – whether by the user or automatically by the application itself. The claims explicitly preclude such a "placing" since the object is NOT moved.

The claims also define the location without moving the object itself. Further, the location is with respect to another object, area, or space and properties of the first object are obtained from properties of this other object, area, or space. Again, the mere fact that Hollingsworth is placing the object in the drawing is differentiable in at least two respects from the claim language. Firstly, the claims provide that the drawing already has objects that are not moved. Thus, an object is not being placed into the drawing. Secondly, the claimed location of the object is defined without moving the object. Hollingsworth is placing an object in a drawing which by definition and all of the figures and description of Hollingsworth provides for moving the object in the drawing.

The prior Office Action expressly provided that the rules of Hollingsworth provides where the object should "be placed" without having to physically move the object to the location. Such an assertion is wholly without merit. In order to place an object into a drawing, the object must be moved! If the object is not moved, then it would remain outside of the drawing and not be a part of the drawing. Thus, to assert that placing an object in a drawing does not require the movement of the object at all is completely meritless and lacking of any support from Hollingsworth or any of the cited references.

In addition, the second aspect of the automatic location property is completely ignored in the Office Action. Namely, a value of a property of the object is obtained from property data of the other object, area, or space based on the location. No such property is even remotely alluded to, explicitly or implicitly, in Hollingsworth or any of the cited references. Such express claim language

cannot merely be ignored.

In response to the above arguments, the final Office Action Response to Arguments section essentially repeats the prior arguments:

> Applicant argues the "location" as set forth in the pending claims differs from the "location" used in the prior art rejections (Hollingsworth, Matsushita, Felser). Examiner respectfully disagrees. Applicant determines the claimed "location" is an actual specified identified location for the object that is defined without moving or placing the object (Applicant's remarks, pg. 7). Furthermore, the location can be defined by moving the location grip. However, claims 1, 7 and 13 do not recite the grip limitation that Applicant argues as the key limitation that allows the "computer drawing program" to define the "location" without moving the objects in the drawing program. Thus, in regards to Hollingsworth, the rules define how to place the object within the drawing without physically moving the object to its location, as claims 1, 7, and 13's limitations require.
>
> Applicant argues that placing objects into a drawing is considered moving. Examiner respectfully disagrees. In this context, placing objects into a drawing is considered inserting.

Appellants respectfully disagree with and traverse such assertions. Appellants did not argue that the key limitation was that of the location grip. Instead, Appellants argued various separate principles. First, the objects that are being worked with are already in the drawing. Second, the location property is defined for those objects that were already in the drawing. Third, the location property is for a location of an object with respect to another object, area, or space. Fourth, the value of a property of the object is obtained from property data of another object based on the location of the primary object.

With respect to the first principle, Hollingsworth does not teach, disclose, or suggest the concept of working with objects already in a drawing. As admitted in the final Office Action, Hollingsworth is placing new objects into a drawing or inserting such objects into a drawing. Such a teaching on its face is distinguishable from the present claims. In addition, all of the other claim limitations are not even remotely contemplated by Hollingsworth. For the substance of such arguments, Appellants refer the board to the arguments set forth above.

In view of the above, Appellants respectfully request reversal of the rejections.

2. *Dependent Claims 2, 8, and 14*

Dependent claims 2, 8, and 14 provide that the automatic location property is part of a property set definition attached to the identified object.

In rejecting these claims, the Office Action asserts that the claims are rendered obvious by

Hollingsworth's textual rule specification file that contains a structured record for a set for rules to be applied to a particular class of graphical objects being placed.

Appellants respectfully disagree with and traverse such an assertion. Even assuming that Hollingsworth teaches what the final Office Action asserts, such a teaching would still fail to render claims 2, 8, and 14 obvious. Namely, as expressly claimed, a property set definition is attached it a particular object. Further, as explicitly claimed, the location property is part of this property set definition. However, a set of rules that are used to place a class of objects is not even remotely similar to such a property set definition. In this regard, the claimed property set definition has nothing to do with how to place an object. Similarly, rules that are used to place a set of objects are not a set of property definitions – nor do they remotely resemble such a property definition or a set of properties/property definitions.

In view of the above, Appellants respectfully request reversal of the rejections of these claims.

3. *Dependent Claims 3, 9 and 15*

These dependent claims provide for retrieving schedule data from the automatic location property. Paragraph [0008] of the application as filed defines the term schedule:

> **[0008]** Schedules provide access to both automatic and manual properties. A schedule is a tabulation of data extracted from objects in a drawing. Schedule tables provide a graphic representation (e.g., in tabular form) of schedule data extracted from the drawing, and formatted based on rules that may be established in a schedule table style. Schedule tags may also provide special annotation tags that are linked to a drawing object by a schedule anchor, for the purpose of extracting schedule data, and displaying it on the drawing. Thus, schedule tags provide the capability for displaying schedule data in a drawing. The information contained in a schedule may be used to determine the quantity and type of objects needed for a project. For example, a schedule may list the number, size, and manufacturer for the doors in a project.

In rejecting these claims, the final Office Action asserts doesn't even mention the term "schedule". Instead, the final Office Action merely refers to retrieving information records from a database. However, information records do not contemplate, disclose, suggest, or allude to schedule data as set forth in paragraph [0008]. There is not even a remote similarity between such terminology.

In view of the above, Appellants respectfully request reversal of the rejections.

4. *Dependent Claims 19-21*

As stated above, the claim attributes provide the unique ability to define the location of the object within a drawing based on other/nearby objects, areas, or spaces. The dependent claims set forth further details regarding the location. Further, the dependent claims provide additional limitations that reflect the location based attributes of the location property. For example, dependent claims 19-21 provide for automatically retrieving data for the one or more objects from the other object, area, or space where the one or more objects are located. In other words, when the location property provides that the one or more objects reside with or are associated with a particular object, area, or space, data for the one or more objects are automatically retrieved from the particular object, area, or space it is associated with (i.e., where it is located).

In rejecting these claims, the final Office Action merely states that the placement system of Hollingsworth manipulates information retrieved from database subsystems by applying user defined rules to determine the proper placement of the graphical objects on the graphical image. The final Action then continues and states that the rules are in relation to the drawing in which the object will be placed in, i.e., the space.

However, while placing an object or having rules that are in relation to a space where an object will be placed may be useful, it has nothing whatsoever to do with the present claims. In this regard, such a rule does not retrieve information from the space as claimed. Again, the claims explicitly require that data is automatically retrieved from the other object, area, or space where the identified object is located. With Hollingsworth's rules, no data is being retrieved from any space. Instead, user defined rules provide how to place an object in the space. Such a teaching is wholly irrelevant to the present claims and cannot teach or render the present claims obvious.

In view of the above, Appellants respectfully request reversal of the rejections.

F. Dependent Claims 4, 10, and 16 Are Patentable Over The Prior Art

The Office Action rejects dependent claims 4, 10, and 16 based on Hollingsworth and Matsushita. Appellants submit that such rejections are without merit. Nowhere in Matsushita is there any description of a determination of an automatic door number. In this regard, electronic searches of Matsushita for the terms "automatic" or "door number" provide no results whatsoever.

Without even mentioning the term "automatic", Matsushita cannot possibly teach the automatic determination of a door number as claimed. The obviousness determination specified in the Office Action provides that the automatic placement reduced the burden on the user of manually applying complex drafting rules in creating or modifying graphical images. These dependent claims address the use of a door number that is automatically determined and not the automatic placement of a door. Further, the door number is based on a space where the door is located. No such construct or teaching is even remotely alluded to in either Matsushita or Hollingsworth.

In response to such earlier arguments, a prior final office Action submits that a figure may be placed at a desired position with a desired shape and the figure maybe a door as shown in Figs. 7, 8, 9, and 10 of Matsushita. However, while a door may be described in Matsushita, the claims do not merely recite the use of a door. Instead, the claims explicitly refer to an automatic door number for the door based on a space the door is located in or near. Again, there is no door number, automatic door number, nor the automatic determination of a particular door number even remotely described in Matsushita. Further, Appellants submit that it would not be obvious to automatically label the doors via Hollingsworth's user-defined rules. In this regard, Hollingsworth also fails to even remotely describe an automatic door number or the determination of such a door number as explicitly claimed.

In response to these arguments, a prior Office Action provides:

> Although Hollingsworth in view of Matsushita does not explicitly disclose a door with an automatic number, it would have been obvious to distinguish and label a door or any object within the drawing. Furthermore, Matsushita defines rules for text string to rid the user the burden of having to do so.

Appellants respectfully traverses such assertions. Firstly, instead of basing the rejection on the references, the Office Action merely issues a conclusory statement that it would have been obvious. While distinguishing one door from another would be useful, the claims provide for significantly more than merely labeling a door. Instead, the claims explicitly provide that the automatic location property is used to create an automatic door number. Such an automatic door number is not even remotely alluded to in the cited references.

The claims further provide that the automatic door number is based on a space the door is located in or near. The Office Action merely ignores this aspect of the claim. Again, as set forth in

the MPEP, all words of a claim must be considered. Further, Matsushita does not talk about a door number being based on a space the door is located near or even hint at such a teaching.

In addition to the above, the final Office Action now asserts that the ability to define rules for a text string to be drawn on the object provides a means for automatically labeling an object with text, such as a number as claimed. Appellants respectfully disagree with and traverse such an assertion. Namely, the final Office Action still fails to address where the text is being obtained from. As claimed, the automatic door number is based on a space the door is located in or near. Not even a remote suggestion of such a teaching is either asserted in the final Office Action or present in the cited art. In addition, the creation of an automatic door number is neither described nor contemplated by rules that define specific text strings.

In view of the above, Appellants submit that these dependent claims are allowable over the cited art.

G. Dependent Claims 5, 11, and 17 Are Merely Object to.

Dependent claims 5, 11, and 17 have merely been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Appellants appreciate the indication of allowable subject matter.

H. Dependent Claims 6, 12, and 18 Have Not Been Addressed

Page 2 of the final Office Action indicates that claims 1-3, 7-9, 13-15, and 19-21 are pending. The Action fails to address claims 6, 12, and 18 with respect to allowable subject matter or the prior art. Instead, the only rejection relates to the independent claims with respect to §101.

Appellants submit that claims 6, 12, and 18 depend on claims 5, 11, and 17. In view of the allowable subject matter of claims 5, 11, and 17, Appellants further submit that claims 6, 12, and 18 also contain allowable subject matter.

In addition, since the Action fails to specifically address these claims, allowance of such claims is respectfully requested.

I. Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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CLAIMS APPENDIX

1. A method for specifying a location for an object in a drawing program comprising:

(a) obtaining a drawing having two or more existing objects in a drawing program;

(b) identifying one of the objects in the drawing program, wherein the identified object comprises a collection of one or more graphical elements;

(c) defining, without moving the identified object in the drawing, an automatic location property for the identified object, wherein:

(i) the automatic location property provides a location, within the drawing, for the identified object with respect to another object, area, or space; and

(ii) a value of a property of the identified object is obtained from property data of the other object, area, or space based on the location of the identified object; and

(d) displaying a representation of the automatic location property.

2. The method of claim 1, wherein the automatic location property is part of a property set definition attached to the identified object.

3. The method of claim 1, further comprising retrieving schedule data from the automatic location property.

4. The method of claim 1, wherein:

the identified object comprises a door;

the automatic location property is used to create an automatic door number for the door based on a space the door is located in or near.

5. The method of claim 1, wherein the representation comprises a location grip wherein a position of the location grip in the drawing determines the object, area, or space where the identified object is located and where property data for the identified object is obtained from.

6. The method of claim 5, further comprising modifying the object, area, or space where property data is obtained from by moving the location grip without moving the identified object.

7. An apparatus for specifying a location for an object in a computer drawing program comprising:

(a) a computer having a memory;

(b) an application executing on the computer, wherein the application is configured to:

(i) obtain a drawing having two or more existing objects;

(ii) identifying one of the objects, wherein the identified object comprises a collection of one or more graphical elements; and

(iii) define, without moving the identified object in the drawing, an automatic location property for the identified object, wherein:

(1) the automatic location property provides a location, within the drawing, for the identified object with respect to another object, area, or space; and

(2) a value of a property of the identified object is obtained from property data of the other object, area, or space based on the location of the identified object; and

(iv) display a representation of the automatic location property.

8. The apparatus of claim 7, wherein the automatic location property is part of a property set definition attached to the identified object.

9. The apparatus of claim 7, wherein the application is further configured to retrieve schedule data from the automatic location property.

10. The apparatus of claim 7, wherein:

the identified object comprises a door;

the automatic location property is used to create an automatic door number for the door based on a space the door is located in or near.

11. The apparatus of claim 7, wherein the representation comprises a location grip wherein a position of the location grip in the drawing determines the object, area, or space where the identified object is located and where property data for the identified object is obtained from.

12. The apparatus of claim 11, wherein the application is further configured to modify the object, area, or space where property data is obtained from by moving the location grip without moving the identified object.

13. An article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method for specifying a location for an object in an object-oriented computer drawing program, the method comprising:

(a) obtaining a drawing having two or more existing objects in a drawing program;

(b) identifying one of the objects in the drawing program, wherein the identified object comprises a collection of one or more graphical elements; and

(c) defining, without moving the identified object in the drawing, an automatic location property for the identified object, wherein:

(i) the automatic location property provides a location, within the drawing, for the identified object with respect to another object, area, or space; and

(ii) a value of a property of the identified object is obtained from property data of the other object, area, or space based on the location of the identified object.

14. The article of manufacture of claim 13, wherein the automatic location property is part of a property set definition attached to identified object.

15. The article of manufacture of claim 13, further comprising retrieving schedule data from the automatic location property.

16. The article of manufacture of claim 13, wherein:

the identified object comprises a door;

the automatic location property is used to create an automatic door number for the door based on a space the door is located in or near.

17. The article of manufacture of claim 13, further comprising displaying a location grip wherein a position of the grip in the drawing determines the object, area, or space where the identified object is located and where property data for the identified object is obtained from.

18. The article of manufacture of claim 17, further comprising modifying the object, area, or space where property data is obtained from by moving the location grip without moving the identified object.

19. The method of claim 1 further comprising automatically retrieving data for the identified object from the other object, area, or space where the identified object is located.

20. The apparatus of claim 7 wherein the application is further configured to automatically retrieve data for the identified object from the other object, area, or space where the identified object is located.

21. The article of manufacture of claim 13 wherein the method further comprises automatically retrieving data for the identified object from the other object, area, or space where the identified object is located.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.